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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,172	05/01/2001	Gregory G. Burrows	899-58137	5303

24197 7590 07/29/2002

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EXAMINER
DECLOUX, AMY M

ART UNIT	PAPER NUMBER
1644	11

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/847,172	Burrows et al.
Examiner	**Art Unit**
DeCloux, Amy	1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Sep 18, 2001*

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-58* is/are pending in the applica

4a) Of the above, claim(s) _____ is/are withdrawn from considera

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☒ Claims *1-58* are subject to restriction and/or election requirem

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-9, 15-18, 53 and 23-27, drawn to a purified MHC Class II polypeptide, classified in Class 530, subclass 350,

II. Claims 10-14, 32 and 33, drawn to a MHC Class II nucleic acid molecule, a vector, a host cell, classified in Class 435, subclasses 69.7, 325 and 320.1,

III. Claims 19-22 and 28-31, drawn to a recombinant purified MHC Class I polypeptide, classified in Class 530, subclass 350,

IV. Claims 34-35, drawn to a recombinant MHC Class I nucleic acid molecule, classified in Class 435, subclass 69.7,

V. Claim 36, Part (1), drawn to a method for detecting T-cells comprising a purified MHC Class II polypeptide, classified in Class 435, subclass 7.2,

VI. Claim 36, Part (2), drawn to a method for detecting T-cells comprising a purified MHC Class I polypeptide, classified in Class 435, subclass 7.2,

VII. Claims 37-40, drawn to a method for reducing an immune response against an antigenic determinant comprising administering the polypeptide of claim 3, classified in class 424, subclass 184.1,

VIII. Claims 37-40, drawn to a method for reducing an immune response against an antigenic determinant comprising administering a nucleic acid encoding the polypeptide of claim 3, classified in class 424, subclass 184.1,

IX. Claims 41-46, drawn to a method for induciing an immunoregulatory cell against an antigenic determinant comprising administering the polypeptide of claim 3, classified in class 424, subclass 184.1,

X. Claims 47-50, drawn to a method for inducing the expression of a cytokine in a T cell comprising contacting the T cell with the polypeptide of claim 3, classified in class 424, subclass 184.1,

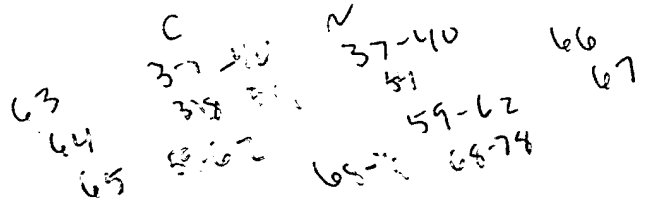
XI. Claims 51-52, drawn to a method of preventing an immune mediated disorder comprising administering the polypeptide of claim 3, clasified in class 424, subclass 184.1,

XII. Claims 51-52, drawn to a method of preventing an immune mediated disorder comprising administering a nucleic acid encoding he polypeptide of claim 3, clasified in class 422, subclass 184.1,

XIII. Claim 54, drawn to a method of treating a disease caused by antigen specific T cells comprising administering the polypeptide of claim 3, clasified in calss 424, subclass 184.1,

XIV. Claim 54, drawn to a method of treating a disease caused by antigen specific T cells comprising administering a nucleotide encoding the polypeptide of claim 3, clasified in calss 422, subclass 184.1,

XV. Claims 55-58, drawn to a method of activating a T-cell in a subject, comprising administering the polypeptide of claim 3, clasified in calss 424, subclass 184.1,



Note: Each claim will be examined only to the extent of the elected invention.

The inventions are distinct, each from the other because of the following reasons:

2. Groups I-IV are different products. Groups I/III are distinct from Groups II/IV, the former's being drawn to polypeptides, which are distinct in structure and function from the nucleic acid molecules of Groups II/IV. Groups I and III are drawn to different polypeptides each with a distinct structure and function. Groups II and IV are drawn to different nucleic acid molecules, each encoding a polypeptide with a distinct structure and function. Therefore Groups I-IV are patentably distinct each from the other.

3. Inventions I and V/VII/IX/X/XI/XIII/XV are related as product and process of use, as are Inventions II and VIII/XII/XIV, as are Inventions III and VI. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. § 806.05(h)).

In the instant case, the products as claimed, the MHC Class II polypeptide, the nucleic acid encoding the MHC Class II polypeptide, and the MHC Class I polypeptide, respectively, can be used in a materially different process, such as immunogen in a process of making B cell hybridomas, in addition to the recited methods

4. Groups V/VI, VII/VIII, IX, X, XI/XII, XIII/XIV, and XV are each drawn to different endpoints and so are patentably distinct. Though Inventions V and VI have the same endpoint, and inventions VII and VIII have the same endpoint, and Inventions XI and XII have the same endpoint, and Inventions XIII and XIV have the same endpoint, each pair of endpoints encompass different ingredients and accordingly are patentably distinct.

5. Because Inventions I-XV are distinct for the reasons given above, and they have acquired a separate status in the art because the searches are not co-extensive and encompass divergent subject matter, restriction for examination purposes as indicated is proper.

6. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy DeCloux whose telephone number is (703) 306-5821. The examiner can normally be reached Monday through Friday from 9:00 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Amy DeCloux, Ph.D.
Patent Examiner
Group 1640
Technology Center 1600
July 26, 2002
Amy DeCloux
7-26-02